

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3491

IN THE MATTER OF:

Served April 20, 1990

Application of AM INTERNATIONAL)	Case No. AP-90-10
EXPRESS, INC., for Temporary)	
Authority to Conduct Charter)	
Operations for the Accounts of:)	
AMERICANA TOURS CO.,)	
IMAGE ADVERTISING CONSULTANTS,)	
ACCU TRAVEL AGENCY,)	
KOREANA TOURS,)	
A. L. WILLIAMS, and)	
LINCOLN TOURS & TRAVEL)	

By application filed February 27, 1990, AM International Express, Inc. (AM International or applicant), seeks temporary authority to transport passengers, together with mail, express, and baggage in the same vehicles as passengers, in charter operations between points in the Metropolitan District except transportation solely within the Commonwealth of Virginia, restricted to transportation in vehicles having a manufacturer's designed seating capacity of 26 passengers or less (including the driver) and further restricted to transportation for the accounts of Americana Tours Co., Annandale, VA; Image Advertising Consultants, Annandale, VA; Accu Travel Agency, Annandale, VA; Koreana Tours, Falls Church, VA; A. L. Williams, Annandale, VA; and Lincoln Tours & Travel, Annandale, VA.

Order No. 3473, served March 21, 1990, generally described the evidence submitted with the application, and that order is incorporated herein by reference. Order No. 3473 served as publication of notice and directed that protests be filed no later than March 30, 1990.

On March 30, 1990, International Limousine Service, Inc. (ILS or protestant), filed a formal protest to the application. As grounds for its protest, ILS states that it operates eight 25-passenger minivans and stands ready, willing, and able to perform the requested service. ILS asserts that it can provide the service proposed by AM International promptly and efficiently by contracting with an organization that provides specialized services including drivers who are familiar with Korean customs and fluent in the Korean language. ILS holds WMATC Certificate No. 38 which encompasses the authority sought by applicant except that it is restricted ". . . against transportation to or from Washington National Airport or Dulles International Airport except as performed in connection with a prearranged charter movement by the same party between at least two other points in the Metropolitan District."

Letters of support filed with the application generally require airport transfers with no indication that the movements would be performed in connection with a prearranged charter movement by the same party between at least two other points in the Metropolitan District. The letters also indicate that the requested service has been unavailable from existing sources. Given the limitation of protestant's certificate, the Commission finds that protestant is not fully capable of meeting the service need to which applicant's witnesses attested. It is further found, based on the evidence of record as described in Order No. 3473, that there is an immediate and urgent need for the service described in this application and that applicant is fit to provide that service. The Commission finds that applicant has met the requirements of the Compact, Title II, Article XII, Section 4(d)(3), for issuance of temporary authority.

In finding an immediate and urgent need for the service described, the Commission takes cognizance of the fact that one of the supporting affidavits was filed on behalf of Americana Tours Co. (Americana), an entity owned by the same individual who owns AM International. Upon review of the evidence in this case, the Commission finds no evidence that applicant will engage in discriminatory practices. Consequently, this common ownership did not affect our evaluation of the evidentiary quality of Americana's letter of support. See Atlantic Coast Express Extension - East Coast Ports, 132 M.C.C. 184 (1980).

THEREFORE, IT IS ORDERED:

1. That AM International Express, Inc., is hereby conditionally granted 180 days temporary authority, contingent upon timely compliance with the terms of this order, to transport passengers, together with mail, express, and baggage in the same vehicles as passengers, in charter operations between points in the Metropolitan District except transportation solely within the Commonwealth of Virginia, restricted to transportation in vehicles having a manufacturer's designed seating capacity of 26 passengers or less (including the driver) and further restricted to transportation for the accounts of Americana Tours Co., Annandale, VA; Image Advertising Consultants, Annandale, VA; Accu Travel Agency, Annandale, VA; Koreana Tours, Falls Church, VA; A. L. Williams, Annandale, VA; and Lincoln Tours & Travel, Annandale, VA.

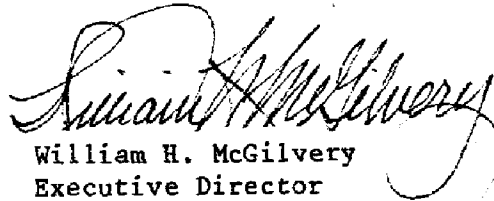
2. That AM International Express, Inc., is hereby directed, no later than 30 days from the service date of this order (a) to identify its vehicles in accordance with Commission Regulation No. 67-03; (b) to file an affidavit of compliance with Commission Regulation No. 67-03; (c) to file one copy of its WMATC Temporary Tariff No. AP-90-10; (d) to file an equipment list stating make, model, serial number, vehicle number (if any), seating capacity, and license plate number (with jurisdiction) for all vehicles to be used in revenue operations; (e) to file evidence of ownership or a lease(s), as appropriate, for all vehicles to be used in revenue operations; and (f) to file a certificate of insurance in conformance with Commission Regulation No. 62 covering all vehicles to be used in revenue operations.

3. That the Executive Director shall notify AM International Express, Inc., in writing, upon its timely compliance with the requirements of this order, that it may commence operations pursuant to temporary authority.

4. That the temporary authority granted herein shall expire Friday, October 19, 1990, unless otherwise ordered by the Commission.

5. That unless AM International Express, Inc., complies with the requirements of this order within 30 days from the date of service of this order or within such additional time as the Commission may direct or allow, the grant of authority contained herein shall be void, and this application shall stand denied in its entirety, effective upon the expiration of the said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director